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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,347	02/17/2000	Hideki Nakata	10873.498UAS01	7014

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EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/506,347

Applicant(s)

NAKATA ET AL.

Examiner

Kimlien T Le

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2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 14-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

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### DETAILED ACTION

1. Applicant's election without traverse of Species A in Paper No. 11 is acknowledged. Applicant has requested that Species B be examined together with Species A since claims 1 and 5 are generic to both inventions. It is the Examiner's position that Species A and B are patentably distinct. Therefore, Species B is considered a non-elected invention until Applicant admits on the record that they are not patentably distinct.
2. Claims 14-27 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9 -12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ammann et al. (U.S Patent 4,185,913).

Regarding claims 1 and 9, see Figs. 1-3 of Ammann et al. which show a method of manufacturing an optical head comprising a light source (40), an objective lens(64), a reflecting mirror (54) that reflects beams of light from the light source to allow them to enter the objective lens, and an optical bench (60) for maintaining the light source and the reflecting mirror,

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wherein the reflecting mirror and the optical bench are bonded and fixed while being placed on an external jig (4) provided with a mirror holding portion for maintaining the reflecting mirror.

Regarding claim 2, see Figs. 1-3 of Ammann et al. which show the method of manufacturing an optical head according to claim 1, wherein the reflecting mirror is placed on the mirror holding portion at a predetermined angle (column 4 line 47-column 5 line 15).

Regarding claim 3, see Figs. 1-3 of Ammann et al. which show the method of manufacturing an optical head according to claim 2, wherein the reflecting mirror is placed so that a reflecting plane of the reflecting mirror contacts with an angle reference plane of the mirror holding portion (column 4 line 24-column 5 line 15).

Regarding claim 4, see Figs. 1-3 of Ammann et al. which show the method of manufacturing an optical head according to claim 1, wherein a position of the reflecting mirror in a direction parallel to a reflecting plane of the reflecting mirror is specified by bringing the reflecting mirror into contact with the mirror holding portion (column 4 line 24-column 5 line 15).

Regarding claims 5 and 10, see Figs. 1-3 of Ammann et al. which show the method of manufacturing an optical head according to claim 1, wherein the reflecting mirror (54) is not brought into direct contact with the optical bench(60).

Regarding claims 6 and 11, see Figs. 1-3 of Ammann et al. which show the method of manufacturing an optical head according to claim 1, wherein the reflecting mirror is bonded and fixed at vicinities of approximate centers of its two opposed side faces approximately orthogonal to a reflecting plane of the reflecting mirror.

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Regarding claims 7 and 12 , see Figs. 1-3 of Ammann et al. which show the method of manufacturing an optical head according to claim 1, wherein the reflecting mirror has a flat-plate shape (54)

***Claim Rejections - 35 USC § 103***

5. Claims 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ammann et al. (U.S. Patent 4,185,913) in view of Applicant's admitted prior art (Pages 2 and 3 of the specification).

With regard to claims 8 and 13, Ammann et al. shows all the steps of claim 1 except for the reflecting mirror and the optical bench that are bonded and fixed using a ultraviolet (UV) adhesive. However, Applicant's admitted prior art teaches that ultraviolet (UV) adhesives are used to perform the bonding of a reflecting mirror to an optical bench (See Pages 2 and 3 of the specification). Therefore, it would have been obvious to provide Ammann et al. with the bonding as taught by Applicant's admitted prior art. The rationale is as follows: one of ordinary skill in the art at the time of the invention would have been motivated to provide Ammann et al. with the bonding as taught by Applicant's admitted prior art, in order to secure the mirror to the bench with high precision.

***References Cited***

Yagi et al. (U.S. Patent 5,920,532), Haruguchi et al. (U.S. Patent 5,946,146) and Hollen et al. (U.S. Patent 5,708, 633) are cited to show the method and the apparatus of manufacturing an optical head

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*Point of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Korzuch William can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le  
September 9, 2002

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
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